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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

**Cung Le, Nathan Quarry, and Jon Fitch, on  
 behalf of themselves and all others similarly  
 situated,**

**Plaintiffs,**

**v.**

**Zuffa, LLC, d/b/a Ultimate Fighting  
 Championship and UFC,**

**Defendant.**

**Case Nos. 5:14-cv-05484-EJD, 5:14-cv-05591-  
 EJD, 5:14-cv-05621-EJD**

Date: June 11, 2015  
 Time: 9:00 a.m.  
 Place: Courtroom 4  
 Judge: Hon. Edward J. Davila

**PLAINTIFFS' NOTICE OF MOTION AND  
 MOTION FOR CONSOLIDATION AND  
 ENTRY OF CASE MANAGEMENT ORDER**

Case No. 5:14-cv-05484-EJD  
 Case No. 5:14-cv-05591-EJD  
 Case No. 5:14-cv-05621-EJD

**Luis Javier Vazquez and Dennis Lloyd Hallman,  
on behalf of themselves and all others similarly  
situated,**

**Plaintiffs,**

**v.**

**Zuffa, LLC, d/b/a Ultimate Fighting  
Championship and UFC,**

**Defendant.**

**Brandon Vera and Pablo Garza, on behalf of  
themselves and all others similarly situated,**

**Plaintiffs,**

**v.**

**Zuffa, LLC, d/b/a Ultimate Fighting  
Championship and UFC,**

**Defendant.**

**NOTICE OF MOTION**

TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE: On June 11, 2015, at 9:00 A.M., or as soon thereafter as this matter may be heard, Plaintiffs Cung Le, Nathan Quarry, Jon Fitch, Luis Javier Vazquez, Dennis Lloyd Hallman, Brandon Vera, and Pablo Garza<sup>1</sup> (“Plaintiffs”) will and hereby do move to consolidate this matter under Federal Rule 42(a), and for entry of the [Proposed] Case Management Order (“CMO”). This hearing will be held before the Honorable Edward J. Davila, of the United States District Court for the Northern District of California, located in Courtroom 4 of the San Jose Courthouse, 280 South 1<sup>st</sup> Street, San Jose, California 95113.

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<sup>1</sup> Gabe Ruediger and Mac Danzig, through their undersigned counsel, join in this motion, and have asked that the matter they filed in this District, Case No. 5:15-cv-00221 (currently assigned to Magistrate Judge Cousins) be related to the *Le* matter. *See* Dkt. 49. If their motion to relate is granted, Mr. Ruediger and Mr. Danzig will promptly notice this motion before the Court. If it is denied, they will separately notice and file this motion before Judge Cousins.

This motion to consolidate these related proceedings is based on this notice of motion and motion; the attached memorandum of points and authorities; the Court’s docket in these related matters and all documents therein; the docket in *Ruediger, et al. v. Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC*, No. 5:15-cv-00521-NC and all documents therein; and any argument or materials that may be submitted at oral argument on this matter.

## **MOTION FOR CONSOLIDATION AND ENTRY OF CASE MANAGEMENT ORDER**

### **I. STATEMENT OF THE ISSUE TO BE DECIDED**

Whether, for the convenience of the parties and the Court, these four related cases—*Le, et al. v. Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC*, No. 5:14-cv-05484-EJD, *Vasquez, et al. v. Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC*, No. 5:14-cv-05591-EJD, *Vera, et al. v. Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC*, No. 5:14-cv-05621-EJD, *Ruediger, et al. v. Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC*, No. 5:15-cv-00521-NC<sup>2</sup>—should be consolidated as provided for by the [Proposed] Case Management Order (“CMO”).

### **II. BACKGROUND**

Plaintiffs in the above-captioned actions are elite Mixed Martial Arts (“MMA”) athletes who allege violations of the antitrust laws pursuant to Section 2 of the Sherman Act, 15 U.S.C. § 2 (“Section 2”), against the same Defendant, Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC (“UFC”). Each case is a class action, and each is brought on behalf of two identical proposed classes. *See, e.g.,* Le Complaint ¶¶ 39, 47.

The Court has deemed the *Vasquez* and *Vera* actions related to the *Le* action, (Dkt. 18 & 19), and Plaintiffs’ motion to relate the *Ruediger* case to the *Le* case is pending as of the time this Motion was filed. *See* Dkt. 49.

### **III. LEGAL STANDARD**

“The district court may consolidate actions involving common questions of law and fact.” *Bernal v. Netflix, Inc.*, 2011 U.S. Dist. LEXIS 89903 (N.D. Cal. Aug. 12, 2011) (J. Davila). Consolidation is governed by Federal Rule 42(a), which states “[w]hen actions involving a common question of law or fact

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<sup>2</sup> As noted, Plaintiffs’ Motion to Relate the *Ruediger* matter is pending.

are pending before the court, it may order a joint hearing or trial of any or all matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.”

#### IV. ARGUMENT

All of the *Le*, *Vasquez*, *Vera*, and *Ruediger* matters concern common questions of law and fact. The Complaints all allege that Plaintiffs are elite MMA athletes who fought in live events promoted by the UFC, and were forced to concede certain publicity rights to the UFC as a condition of fighting with the UFC. *Le* Complaint ¶¶ 36-38, *Vasquez* Complaint ¶¶ 36-37, *Vera* Complaint ¶¶ 31-32, *Ruediger* Complaint ¶¶ 31-32. The Complaints allege that the UFC dominated the same antitrust relevant markets, by engaging in the same wrongdoing. *Le* Complaint ¶¶ 55-94, 107-152; *Vasquez* Complaint ¶¶ 54-93, 106-151; *Vera* Complaint ¶¶ 54-93, 106-151; *Ruediger* Complaint ¶¶ 54-93, 106-151. The Complaints all assert monopsony and monopoly claims under Section 2. *Le* Complaint ¶¶ 163-171, *Vasquez* Complaint ¶¶ 162-170, *Vera* Complaint ¶¶ 162-170, *Ruediger* Complaint ¶¶ 162-170. Accordingly, these matters should be consolidated, and the CMO should be entered.

UFC has conceded that consolidation of the *Le*, *Vera*, and *Vasquez* matters is appropriate because the “cases all s[seek] to represent the exact same classes based on the same allegations.” *See* Docket No. 48-1 at ¶5.

In order to further the efficient administration of these actions, the CMO lays the administrative framework for consolidation of these four matters. The CMO effects:

- Consolidation of the actions for pretrial proceedings pursuant to Fed. R. Civ. P. 42(a) (*see* CMO ¶¶ 1-2);
- Establishment of a Master Docket and designation *Le* (the first filed case) as the lead case (*see* CMO ¶¶ 3-5);
- Establishment of a Master Caption for use by all parties for filings with the Court (*see* CMO ¶¶ 6-7);
- Ordering that filings in the lead case are deemed filed in all consolidated actions, thus eliminating the need for duplicative filing in each related action (*see* CMO ¶¶ 8-9);
- Admission of attorneys *pro hac vice* (*see* CMO ¶¶ 10-11);

- Application of the CMO to subsequent filings (*see* CMO ¶¶12-13);
- Filing and service of court filings through the Court’s ECF system (¶¶14-15);
- Preservation of evidence (*see* CMO ¶16); and
- Cooperation among the parties and professional conduct (*see* CMO ¶17).

The CMO will assist the parties, the Court and the Court staff by consolidating the actions, streamlining court filings and addressing routine litigation issues for the benefit of all. Consequently, case management orders are regularly entered in such cases in order to accomplish such salutary purposes. This CMO will reduce cost and delay, for example, by relieving the parties of the obligation to file the same or substantially identical pleadings in multiple dockets, and the court clerks of the burden of maintaining parallel dockets. *See* Manual for Complex Litigation, Fourth Ed., § 20.11, at 218 (2004). The CMO resolves these issues by designating the *Le* matter as the lead case, creating a master docket and master file, consolidating the matters for pretrial purposes, and creating a streamlined procedure to consolidate actions filed by other MMA athletes.

## V. CONCLUSION

The CMO consolidating these matters should be entered as it is in the interests of efficient administration of these matters.

Dated: February 10, 2015

JOSEPH SAVERI LAW FIRM, INC.

By: /s/ Joseph R. Saveri  
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Pursuant to Local Rule 5.1(i)(3), I attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: February 10, 2015

By: /s/ Joseph R. Saveri  
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